



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-क

वर्ष १०, अंक ६४]

बुधवार, सप्टेंबर ४, २०२४/भाद्रपद १३, शके १९४६

[पृष्ठे ६, किंमत : रुपये ९.००

असाधारण क्रमांक ८८

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले
 (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर)
 वैधानिक नियम व आदेश; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क),
 जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील
 इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road,

New Delhi 110 001, dated the 21st August, 2024
 30 Shravana, 1946 (Saka)

NOTIFICATION

No. 82/MH-HP/7/2019.— In pursuance of Section 111 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission of India hereby publishes the report dated 28th February 2024 of the High Court of Judicature at Bombay in Election Petition No. 7 of 2019 :—

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ELECTION PETITION NO.7 OF 2019

Bapu Kelu Barde . . . Petitioner

Vs.

Election Commission of India and others . . . Respondents

None for Petitioner.

Mr. Bapu Kelu Barde, Petitioner present in person.

Ms. Drishti Shah i/b. Ms. Rekha Rajagopal for Respondent No.1 - ECI.

Mr. Himanshu B. Takke, AGP for Respondent No.2 - State.

Mr. Kamlesh Ghumre and Ms. Sonali Jadhav i/b. Ms. Sandhya Lokhande for Respondent No. 3.

CORAM: MANISH PITALE, J.

DATE : FEBRUARY 28, 2024

P.C. :

This election petition has been listed before this Court on the basis of a *praecipe* moved by the petitioner himself in person stating that he desires to withdraw the petition. The record shows that the petitioner is represented by an advocate.

2. The petitioner has appeared before this Court in person. He states that his advocate has not been appearing in this petition and that despite instructions, the advocate is not present in Court. In this situation, the petitioner appearing in person prays for withdrawal of the election petition. This Court has perused the original Aadhar Card of the petitioner to ascertain his identity. The Aadhar Card indeed shows that the petitioner Bapu Kelu Barde is present in Court today, making the aforesaid prayer for withdrawal of the petition. The original Aadhar Card is returned to the petitioner.

3. Chapter IV of the Representation of the People Act, 1950, consisting of Sections 108 to 116, pertains to 'withdrawal and abatement of election petitions'. Section 109 specifically pertains to withdrawal of election petitions and sub-section (1) thereof provides that, an election petition can be withdrawn only by leave of the High Court. Sub-section (2) requires notice of fixing a date for hearing such application for withdrawal to be given to all other parties to the petition and to be published in the *Official Gazette*. Section 110, *inter alia*, requires the High Court to ascertain that such an application for withdrawal of the election petition has not been induced by any bargain or consideration, which ought not to be allowed. Section 111 of the Act stipulates that, report of such withdrawal should be made to the Election Commission, which in turn, shall publish the report in the *Official Gazette*.

4. In this election petition, the petitioner has prayed for declaring the election of respondent No.3 as void. The Election Commission of India and Returning Officer are respondent Nos.1 and 2. There is no prayer for declaring the petitioner as the elected candidate and therefore, the other candidates in the fray had rightly not been made parties in the election petition. Respondent Nos.1 and 2 are represented by Advocate Ms. Drishti Shah and Assistant Government Pleader Mr. Himanshu Takke respectively. Respondent No.3 is represented by Advocate Mr. Kamlesh Ghumre. Hence, all the three parties are before this Court and they have notice of the prayer made on behalf of the petitioner in person for withdrawing the election petition.

5. In the light of the fact that all the three respondents are here before this Court today and they have been given notice with regard to the intention of the petitioner to withdraw the election petition, the requirement of publishing notice in *Official Gazette* is dispensed with. This is particularly in the light of the statement made on behalf of the respondent No.1 i.e. the Election Commission of

India that the report of such withdrawal will indeed be published in the *Official Gazette* in compliance of Section 111 of the aforesaid Act.

6. This Court has interacted with the petitioner in person and satisfaction of this Court is recorded to the effect that the prayer for withdrawal has not been induced by any bargain or consideration.

7. The Election Commission of India represented by counsel before this Court has taken note of such withdrawal and has undertaken that the Election Commission of India shall publish report of withdrawal of the present petition in the *Official Gazette*. It is submitted that such publication of the report shall be made within two weeks from today.

8. The election petition stands disposed of as withdrawn in the above terms.

MANISH PITALE, J.,

By order,

S. K. DAS,
Secretary,
Election Commission of India.

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड,

नई दिल्ली 110 001, तारीख 21 अगस्त, 2024
30 श्रावण, 1946 (शक)

अधिसूचना

सं. 82 / एमएच-एचपी / 7 / 2019. —लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 111 के अनुसरण में भारत निर्वाचन आयोग एतद्वारा वर्ष 2019 की निर्वाचन याचिका सं. 7 में बंबई उच्च न्यायालय की रिपोर्ट दिनांक 28th February 2024 प्रकाशित करता है। :—

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ELECTION PETITION NO.7 OF 2019

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Vs.

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8. The election petition stands disposed of as withdrawn in the above terms.

MANISH PITALE, J.,

आदेश से,

एस. के. दास,

सचिव,

भारत निर्वाचन आयोग।

क्रमांक जीईएन-२०२४/प्र.क्र.२७/२४/३३, निवडणूक-(१)

सामान्य प्रशासन विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरू चौक,

मंत्रालय विस्तार, मुंबई ४०० ०३२,

दिनांक ४ सप्टेंबर २०२४.

प्रत, माहिती व आवश्यक कार्यवाहीस्तव अग्रेषित :-

- (१) प्रधान सचिव, महाराष्ट्र विधानमंडळ सचिवालय, विधान भवन, मुंबई,
- (२) सर्व जिल्हाधिकारी तथा जिल्हा निवडणूक अधिकारी,
- (३) निवडनस्ती.

म. रा. पारकर,

उप सचिव व सह मुख्य निवडणूक अधिकारी,
महाराष्ट्र राज्य.